

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DIVISION OF MEDICAL QUALITY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	D-4951
	)	
John J. Zane, M.D.	)	L-59706
1111 East Tahquitz Way, Ste. 110	)	
Palm Springs, CA 92262	)	
	)	
Physician's and Surgeon's	)	
Certificate No. C 20382,	)	
	)	
Respondent.	)	
_____	)	

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Medical Board of California as its Decision in the above-entitled matter.

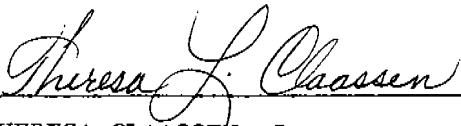
This Decision shall become effective on January 17, 1994 .

IT IS SO ORDERED December 17, 1994 .

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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By

  
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THERESA CLAASSEN, Secretary-Treasurer

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In the Matter of the Accusation	)	
Against:	)	
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Suite 110	)	
Palm Springs, CA 92262	)	
	)	
Physician and Surgeon	)	
Certificate number C 20382	)	
	)	
Respondent.	)	

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PROPOSED DECISION

This matter was heard by Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, at San Bernardino, California, on September 15, 16, 21, 22, 23, 24, 27 and 28, 1993, and at Cathedral City, California, on September 20, 1993. Leslie B. Fleming, Deputy Attorney General, represented Dixon Arnett ("complainant"). William H. Moore, Jr., Attorney at Law, represented John J. Zane ("respondent").

The First Amended Accusation ("Accusation") was amended at the hearing as follows: (1) in paragraph 19(e), page 10, line 20, the number "1992" was stricken and the number "1991" was inserted in its place; (2) in paragraph 19(f), page 10, line 23, the number "1992" was stricken and the number "1991" was inserted in its place; (3) paragraph 19(i)(6), page 12, was stricken; (4) in paragraph 25(c), page 16, lines 14 and 15, the words "his diabetes would 'completely go away'" were stricken and the words "he would no longer be insulin-dependent" were inserted in their place; (5) in paragraph 25(h), page 17, the words "told patient Jeremiah C. that he would no longer be insulin-dependent" were added as subsection (7); (6) in paragraph 25(h), page 17, the words "told patient Jeremiah C. that the shots would clear the blocked arteries from his surgical graft" were added as subsection (8); (7) in paragraph 31, pages 19-22, the word "Marcia" was stricken whenever it appeared, and the word "Marsha" was inserted in its place; (8) in paragraph 48(d), page 31, line 19, the words "he could cure" were stricken and the words "his injections probably would help the" were inserted in their place; and (9) paragraph 60, pages 36 and 37, was stricken.

Oral and documentary evidence, and evidence by oral and written stipulation on the record, was received and the matter was submitted for decision. The Administrative Law Judge makes the following findings of fact.

#### Findings of Fact

1. The Accusation was filed on March 5, 1993, by complainant in his official capacity as the Executive Director, Medical Board of California ("Board").

2. On January 9, 1959, the Board issued to respondent Physician and Surgeon certificate number C 20382. The certificate has been in effect at all material times; it has been in delinquent status for non-payment of renewal fees since June 30, 1993.

3. a. In a Decision of the Board of Medical Quality Assurance, the Board's predecessor, in case number D-2585, respondent's certificate was revoked, which revocation was stayed, the certificate placed on probation for seven years. Probation terminated on November 5, 1989.

b. In that Decision, respondent was found to have engaged in gross negligence and incompetence constituting unprofessional conduct in connection with his use on three patients of a blood test which had not gained the requisite medical acceptance to justify reliance upon its results.

4. Respondent began practicing medicine in the Palm Springs area in 1985, at which time his practice was becoming more focussed on nutritional medicine. At some unspecified time later, he opened a law office and his attention shifted to the full-time practice of law. However, he continued to treat some patients and to pursue his interests in the marketing of a series of injections he had developed.

5. a. In August 1989, Jeremiah C., an attorney and a man who appeared to be in his late 60s or early 70s, met respondent at a social gathering at the home of a mutual friend. Jeremiah C. told respondent that he suffered from bad circulation in his legs and that another physician, having diagnosed claudication as a result of arthrosclerosis, had told him that nothing other than surgery could be done for him.

b. Respondent told Jeremiah C. that he had been working on a special formula for many years and that he had been very successful with it, curing many people with serious illnesses. The formula, according to respondent, could cure arthrosclerosis, Parkinson's disease, and other diseases. Respondent stated that the formula had eliminated his mother-in-

law's severe arterial blockage. Respondent would not reveal the content of the formula as he maintained that it was secret and worth a lot of money. Respondent said that the formula was administered by injections and that the cost for a series of 24 was \$36,000. Jeremiah C. replied that he would think about whether to undertake the treatment.

c. Approximately two months after the social gathering, respondent called Jeremiah C. and informed him that he was about to mix some of the formula, asking if he was interested in the injections. Jeremiah C. told respondent that he could not pay the \$36,000 for them. Respondent offered to provide the injections in exchange for Jeremiah C.'s assistance in legal matters and \$2,500. Jeremiah C. agreed to this arrangement; he became a partner in respondent's law firm in March 1991 and was not asked to make any additional cash payments in order to receive the injections.

d. Respondent administered injections to Jeremiah C. over the period of December 1989 to October 1990. They were usually given every other day, although there were periods of daily administration.

e. After receiving his first injection, Jeremiah C. informed respondent that he was a diabetic who was dependent on insulin. Respondent told Jeremiah C. that after 10 or 15 injections he would not need the insulin; respondent also stated that "dozens" of diabetics had eliminated their insulin-dependency with his injections.

f. During the course of treatment, respondent also told Jeremiah C., a recovering alcoholic, that the injections would permit him to drink socially.

g. Respondent did not conduct a good faith physical examination of, or take a medical history from, Jeremiah C. prior to or during the administration of any of the injections. Respondent did not ask the patient to provide him with the name of any treating physician.

h. Respondent did not create or maintain charts or other records where medical history and pertinent contemporaneous information were maintained in connection with his treatment of Jeremiah C. At most, he kept a tally of the number of times the injections were administered, which notations do not constitute adequate medical records.

i. The injections did not bring about any observable physical improvement on Jeremiah C.'s conditions. He continues to be insulin-dependent.

6. a. In April or May 1990, Edith D., a 77 year-old woman, was taken by her son, Alan, to respondent's office. She complained of chronic and severe pain in her legs, pain which was being treated with medication. She was given injections at the rate of one per week for approximately 5 months.

b. Edith D.'s treatment was paid by her son.

c. Respondent did not conduct a good faith physical examination of, or take a medical history from, Edith D. at any time prior to or during the treatment. He did not ask her for any medical records or for the name of any treating physician.

d. Respondent did not create or maintain records where medical history and pertinent contemporaneous information were maintained in connection with his treatment of Edith D. At most, he kept a tally of the number of times the injections were administered, which notations do not constitute adequate medical records.

e. With the possible exception of partial relief the first 2 or 3 times that they were administered, the injections did not provide any relief for Edith D.'s pain.

7. a. Marsha B. worked for respondent as a legal secretary approximately from June 1989 to September 1991.

b. In June 1990, Marsha B. hurt her neck while working for respondent. Respondent prescribed Empirin with Codeine #3, a dangerous drug within the meaning of Business and Professions Code section 4211<sup>1</sup>, to relieve her pain, which medication Marsha B. ingested.

c. On March 24, 1991, Marsha B.'s sister died and, consequently, Marsha B. was very distraught. Respondent spoke with Marsha B. on the telephone and, noticing her emotional state, prescribed 30 tablets of Valium, a dangerous drug within the meaning of section 4211, to relieve her anxiety and depression. The medication was taken by Marsha B.

d. Respondent did not conduct a good faith physical examination of, or take a medical history from, Marsha B. prior to prescribing the medications described in findings of fact numbers 7b and c.

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<sup>1</sup>All further references are to the Business and Professions Code unless otherwise stated.

e. Respondent did not create or maintain records where medical history and pertinent contemporaneous information were maintained in connection with his treatment of Marsha B.

8. a. Respondent met Colin W., a sculptor, at a social function in November 1990. Colin W. told respondent that he had had a series of skin cancers and that he suffered from a hiatal hernia.

b. Respondent told Colin W. that he had a treatment consisting of a series of injections which cured many ailments. He maintained that the treatment also made those receiving it stronger, younger, and healthier. He also stated that the injections would clear the bloodstream, preventing blood clots and heart attacks. Respondent told Colin W. that the injections could cure his skin cancer and his hiatal hernia. Claiming that it consisted of a secret formula, respondent refused to reveal the injection's ingredients to Colin W.

c. Colin W. and respondent met at several subsequent social gatherings, at which respondent continued to extol the virtues of the injections. At one of these meetings, respondent stated that the Mexican government may be setting up a hospital for him to work with the injection and that Colin W. would have to hurry if he wanted the shots.

d. At some point after the first meeting, respondent informed Colin W. that the injections normally cost \$36,000 but he would accept a sculpture in payment. Colin W. agreed and respondent selected a piece, "Leda and the Swan," valued by the artist at \$25,000.

e. On January 14, 1991, Colin W. became respondent's patient, receiving the first injection. The injections continued on a daily basis until February 7, 1991.

f. Respondent did not conduct a good faith physical examination of, or take a thorough medical history from, Colin W. at any time prior to or during the treatment. He did not ask the patient for any medical records or for the name of any treating physician.

g. Respondent did not create or maintain records where medical history and pertinent contemporaneous information were maintained in connection with his treatment of Colin W. At most, he kept a tally of the number of times the injections were administered, which notations do not constitute adequate medical records.

h. The injections did not bring about any observable physical improvement on Colin W.'s hiatal hernia.

9. a. On April 26, 1991, Nelson C., an 83-year-old male, visited respondent's law office to discuss two legal matters. During the course of their discussion, respondent excused himself to administer an injection to a patient. Upon his return, Nelson C. asked about the injections and their ingredients.

b. Respondent told Nelson C. that the patient had been in worse shape than Nelson C. before the injections were administered. He also said that individuals who had received the injections were rejuvenated. Respondent stated that his mother had seemed to be dying when he gave her the injections and that she was a new woman after the treatments.

c. Following respondent's assertions, Nelson C. became more interested in the injections and inquired about their cost. Respondent noted that the injections were only mixed a small quantity at a time and that the cost was \$36,000 for a series of 24.

d. Nelson C. agreed on that same date to undertake the treatments and respondent administered the first injection on April 29, 1991. On said date, the patient paid \$18,000 for the first 12 injections; a second check for \$18,000 was given to respondent on May 17, 1991.

e. Respondent continued giving the injections to the patient, on an approximately daily basis, until May 17, 1991. Nelson C. refused to take the last injection.

f. Respondent did not conduct a good faith physical examination of, or take a medical history from, Nelson C. at any time during the administration of the injections.

g. Respondent did not create or maintain records where medical history and pertinent contemporaneous information were maintained in connection with his treatment of Jeremiah C. At most, he kept a dairy or tally of the number of times the injections were administered, which notations do not constitute adequate medical records.

h. Based on his discussions and observations of Nelson C., which did not include a good faith physical examination or the taking of medical history, respondent ruled out Parkinson's Disease in the patient.

i. The injections did not bring about any observable physical improvement in Nelson C.

10. a. In mid-May 1991 respondent called on a friend, Wayne N., a 70 year-old male. He was informed by Shirley N., Wayne N.'s wife, that Wayne N. was suffering from terminal cancer.

b. Respondent told Shirley N. that his injections would probably help her husband, noting that he had had very good results with people suffering from said disease. Respondent said that a series of injections cost \$36,000. Shirley N. agreed to discuss the matter with her husband.

c. After speaking with her husband, Shirley N. informed respondent that they did not have the money for the treatment. Respondent agreed to give Wayne N. the injections, accepting in exchange the discharge of a \$5,000 debt.

d. Respondent administered the injections to Wayne N. on a daily basis for approximately six weeks, starting in the middle of May 1991 and concluding in the end of June.

e. Respondent did not conduct a thorough good faith physical examination of, or take a thorough medical history from, Wayne N. at any time prior to or during the treatment.

f. Respondent did not create or maintain records where medical history and pertinent contemporaneous information were maintained in connection with his treatment of Wayne N. At most, he kept a tally of the number of times the injections were administered, which notations do not constitute adequate medical records.

g. The injections did not bring about any observable physical improvement in Wayne N.'s condition. He died on July 9, 1991.

11. a. The injections administered by respondent to the patients described in findings of fact numbers 5, 6, 8, 9, and 10, contained the following ingredients: all B Vitamins, Vitamins C and E, all essential amino acids, Chromium, Zinc, Xylocaine, methylparaben, and benzyl alcohol. They were administered intramuscularly in the hip or buttocks area.

b. Xylocaine, a brand of lidocaine hydrochloride, is a dangerous drug within the meaning of section 4211.

12. Respondent's failure to conduct a good faith physical examination of patients Jeremiah C., Edith D., Marsha B., Colin W., Nelson C., and Wayne N, as set forth in finding of fact numbers 5g, 6c, 7d, 8f, 9f, and 10e, prior to the administration of the injections or, in the case of Marsha B. prior to the prescription of dangerous drugs, constitutes gross negligence and incompetence.



13. Respondent's failure to take a medical history from patients Jeremiah C., Edith D., Marsha B., Colin W., Nelson C., and Wayne N, as set forth in finding of fact numbers 5g, 6c, 7d, 8f, 9f, and 10e, prior to the administration of the injections or, in the case of Marsha B. prior to the prescription of dangerous drugs, constitutes gross negligence and incompetence.

14. Respondent's failure to maintain adequate medical records for patients Jeremiah C., Edith D., Marsha B., Colin W., Nelson C., and Wayne N, as set forth in finding of fact numbers 5h, 6d, 7e, 8g, 9g, and 10f, regarding the administration of the injections or, in the case of Marsha B. the prescription of dangerous drugs, constitutes gross negligence and incompetence.

15. Respondent's administration of injections to patients Jeremiah C., Edith D., Colin W., Nelson C., and Wayne N, and his prescription of dangerous drugs to Marsha B., in the circumstances of this case, particularly his failure to conduct physical examinations or to take medical histories, as set forth in finding of fact numbers 5, 6, 7, 8, 9, and 10 constitutes gross negligence and incompetence.

16. Respondent's statement to Jeremiah C., as set forth in finding of fact number 5f, regarding the patient's ability to drink alcoholic beverages constitutes gross negligence and incompetence.

17. Respondent's statements to Colin W, as set forth in finding of fact number 8b, that the injections could cure his skin cancer and his hiatal hernia constitutes gross negligence and incompetence.

18. Respondent's conclusion that Nelson C. did not suffer from Parkinson's Decease, under the circumstances of this case and as set forth in finding of fact number 9h, constitutes gross negligence and incompetence.

19. a. Respondent committed acts involving dishonesty in his promotion and administration of the injections as set forth in finding of fact numbers 5, 6, 8, 9, and 10. His representations regarding the benefits of the injections were exaggerated. Respondent repeatedly claimed that the injections would "cure" certain ailments, claims which are not supported by medical evidence. These claims were presented to susceptible individuals in circumstances designed to enhance the power and mystique of the shots rather than informed patient consent.

b. The acts referred to in finding of fact number 19a occurred during the practice of medicine and are, accordingly, substantially related to the qualifications, functions, and duties of a physician.

20. Respondent maintained at the hearing that he was engaged in the practice of nutritional medicine when he administered the injections and presented evidence regarding the efficacy of nutritional therapy. Regardless of the validity or scientific acceptance of this mode of treatment, respondent's failure to conduct physical examinations, to take necessary medical history, to maintain adequate records of treatment, or to individualize the administration of nutritional supplements, belie his assertion that he was engaged in legitimate patient treatment.

21. Respondent presented the testimony of several witnesses who testified that they had been helped by his injections. However, it was not established to any medical certainty that even if health improvement had occurred that said improvement was due to the injections.

22. It was not established that the injections created any ill physical effects on those receiving them.

23. a. Respondent presented himself for psychological evaluation in March or April 1993. George D. Demus, Ph.D, who has been acquainted with respondent for approximately 20 years, conducted several standard and well-accepted tests and interviewed respondent at length. He concluded that respondent suffers from bipolar affective disorder, manic. In his opinion, this ailment impaired respondent's judgement regarding matters associated with the injections.

b. Dr. Demus referred respondent for further diagnosis and treatment to Michael J. DeLuca, M.D. Dr. DeLuca arrived at the same diagnosis and hospitalized respondent on April 24, 1993. He began treating respondent with Lithium Carbonate at the institution. Respondent was discharged on April 27, 1993. He attends regular psychotherapy sessions with Dr. DeLuca and continues to take the medication.

c. Respondent is responding to the treatment and no longer regularly exhibits the outward characteristics of those suffering from the bipolar affective disorder, manic. He is also better able to control his emotions and to exercise better judgement. Dr. DeLuca opines that respondent should continue to receive Lithium Carbonate for at least two years and perhaps for the rest of his life.

d. Complainant presented the testimony of Hugh Gordon Blount, Ph.D., to rebut some of the conclusions of Drs. Demus and DeLuca. Dr. Blount did not examine respondent and, chiefly because of this factor, his testimony has not been credited when it was in conflict with that of respondent's experts.

24. Except for those previously found to have merit, all other allegations in the Accusation, and all other contentions of the parties at the hearing, are found to be unproved or surplusage.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

#### DETERMINATION OF ISSUES

1. Cause exists to discipline respondent's certificate pursuant to sections 2227 and 2234(b) in that he engaged in unprofessional conduct by the commission of acts constituting gross negligence, by reason of finding of fact numbers 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17 and 18.

2. Cause exists to discipline respondent's certificate pursuant to sections 2227 and 2234(d) in that he engaged in unprofessional conduct by the commission of acts constituting incompetence, by reason of finding of fact numbers 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17 and 18.

3. Cause exists to discipline respondent's certificate pursuant to sections 2227 and 2234(e) in that he engaged in unprofessional conduct by the commission of acts involving dishonesty which are substantially related to the qualifications, functions, and duties of a physician, by reason of finding of fact numbers 5, 6, 7, 8, 9, 10, 19, and 20.

4. Cause exists to discipline respondent's certificate pursuant to sections 2227, 2234, 2238, and 2242 in that he prescribed dangerous drugs without a good faith prior examination, by reason of finding of fact numbers 5d, 5g, 6a, 6c, 7b, 7c, 7d, 8e, 8f, 9e, 9f, 10d, 10e, and 11.

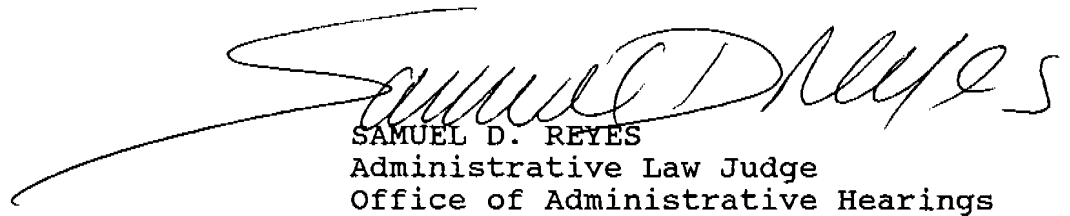
5. All relevant evidence of mitigation and rehabilitation has been considered. The presence of a mental disorder which contributed to respondent's actions has been considered as a mitigating factor. Respondent's acts in connection with the promotion and administration of the injections, however, were not shown to be the exclusive result of said ailment. Also, respondent has just started addressing the problem and has not developed a sufficient record of controlling the disease. Respondent's prior disciplinary action and the commencement of activities subject to this proceeding soon after the termination of probation in that matter have been considered aggravating factors. Accordingly, the order which follows is necessary to protect the public.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Physician and Surgeon certificate number G-27270 issued to respondent John J. Zane, M.D., is hereby revoked.

DATED: 10/27/93

  
SAMUEL D. REYES  
Administrative Law Judge  
Office of Administrative Hearings

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
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6  
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14 Palm Springs, CA 92262 )	
15 )	
California Physician's and )	
Surgeon's Certificate )	
16 No. C20382, )	
Respondent. )	
17 )	

18 Complainant Dixon Arnett, as causes for disciplinary  
19 action, alleges as follows:

20 1. Complainant is the Executive Director of the  
21 Medical Board of California, Department of Consumer Affairs,  
22 State of California (hereinafter the "Board"), and makes and  
23 files this accusation solely in his official capacity as such.

24 Licensure:

25 2. At all times mentioned herein John J. Zane, M.D.  
26 (hereinafter "respondent"), was licensed by the Board under  
27 Physician's and Surgeon's Certificate No. C20382. Said

1 certificate was issued by the Board on January 19, 1959, is in  
2 CURRENT STATUS at the present time, and will expire on June 30,  
3 1993, unless renewed. Respondent is not a supervisor of a  
4 physician assistant.

5 Previous Disciplinary History:

6 3. On August 15, 1980, Accusation No. D-2585 was filed  
7 against respondent and, on February 3, 1983, the Board's decision  
8 in Case No. D-2585 became effective after judicial review. Under  
9 that decision, respondent was found guilty of gross negligence  
10 and incompetence in the practice of medicine; his certificate was  
11 ordered revoked, with the revocation stayed; and respondent was  
12 placed on probation for seven (7) years on terms and conditions.  
13 On November 5, 1989, respondent's probation was terminated.

14 Statutes:

15 4. California Business and Professions Code section  
16 2220 provides, in pertinent part, that the Division of Medical  
17 Quality may take action against all persons guilty of violating  
18 the provisions of Chapter 5 of Division 2 of that Code.

19 5. California Business and Professions Code section  
20 2227 provides that a licensee whose matter has been heard by the  
21 Division of Medical Quality, by a medical quality review  
22 committee or a panel of such committee, or by an administrative  
23 law judge, or whose default has been entered, and who is found  
24 guilty, may, in accordance with the provisions of this chapter:  
25 (a) have his or her certificate revoked upon order of the  
26 division; (b) have his or her right to practice suspended for a  
27 period not to exceed one year upon order of the division or a

1 committee or panel thereof; (c) be placed on probation upon order  
2 of the division or a committee or panel thereof; (d) be publicly  
3 reprimanded by the division or a committee or panel thereof; (e)  
4 have such other action taken in relation to discipline as the  
5 division, a committee or panel thereof, or an administrative law  
6 judge may deem proper.

7           6. California Business and Professions Code section  
8 2234 provides that:

9           "The Division of Medical Quality shall take  
10 action against any licensee who is charged  
11 with unprofessional conduct. In addition to  
12 provisions of this article, unprofessional  
conduct includes, but is not limited to, the  
following:

13           "(a) Violating or attempting to violate,  
14 directly or indirectly, or assisting in or  
abetting the violation of, or conspiring to  
violate, any provision of this chapter.

15           "(b) Gross Negligence.

16           "(c) Repeated negligent acts.

17           "(d) Incompetence.

18           "(e) The commission of any act involving  
19 dishonesty or corruption which is  
substantially related to the qualifications,  
20 functions, or duties of a physician or  
surgeon.

21           "(f) Any action which would have warranted  
22 the denial of a certificate."

23           7. California Business and Professions Code section  
24 2238 provides that:

25           "A violation of any federal statute or  
26 federal regulation or any of the statutes or  
regulations of this state regulating \* \* \*  
27 dangerous drugs \* \* \* or controlled  
substances constitutes unprofessional  
conduct."

1                   8. California Business and Professions Code section  
2 2242 provides, in pertinent part, that:

3                   "(a) Prescribing, dispensing, or furnishing  
4 dangerous drugs as defined in Section 4211  
5 without a good faith prior examination and  
6 medical indication therefor, constitutes  
7 unprofessional conduct."

8                   9. California Business and Professions Code section  
9 2271 provides that:

10                   "Any advertising in violation of Section  
11 17500, relating to false or misleading  
12 advertising, constitutes unprofessional  
13 conduct."

14                   10. California Business and Professions Code section  
15 17500 provides that:

16                   "It is unlawful for any person, firm,  
17 corporation or association, or any employee  
18 thereof with intent directly or indirectly to  
19 . . . perform services, professional or  
20 otherwise, or anything of any nature  
21 whatsoever or to induce the public to enter  
22 into any obligation relating thereto, to make  
23 or disseminate or cause to be made or  
24 disseminated before the public in this state,  
25 . . . in any newspaper or other publication,  
26 or any advertising device, or by public  
27 outcry or proclamation, or in any other  
manner or means whatever, any statement,  
concerning such . . . services, professional  
or otherwise, or concerning any circumstances  
or matter of fact connected with the proposed  
performance or disposition thereof, which is  
untrue or misleading, and which is known, or  
by which the exercise of reasonable care  
should be known, to be untrue or misleading,  
. . . Any violation of the provisions of  
this section is a misdemeanor punishable by  
imprisonment in the county jail not exceeding  
six months, or by a fine not exceeding two  
thousand five hundred dollars (\$2,500), or by  
both.

27                   ///



1           11. California Business and Professions Code section  
2 651 provides, in pertinent part, that it is unlawful for any  
3 person licensed by the Medical Board of California to disseminate  
4 or cause to be disseminated any form of public communication  
5 containing a false, fraudulent, misleading, or deceptive  
6 statement or claim for the purpose of or likely to induce,  
7 directly or indirectly, the rendering of professional services in  
8 connection with the professional practice or business for which  
9 he is licensed.

10           12. California Business and Professions Code section  
11 2252 provides that:

12           "The violation of any provision of Chapter 7  
13 (commencing with Section 1700) of Division 2  
14 of the Health and Safety Code, or any  
15 violation of an injunction or cease and  
desist order issued under such provisions,  
relating to the treatment of cancer,  
constitutes unprofessional conduct."

16           13. California Health and Safety Code section 1707.1  
17 provides that:

18           "The sale, offering for sale, holding for  
19 sale, delivering, giving away, prescribing or  
20 administering of any drug, medicine, compound  
or device to be used in the diagnosis,  
treatment, alleviation or cure of cancer is  
unlawful and prohibited unless (1) an  
21 application with respect thereto has been  
approved under Section 505 of the Federal  
22 Food, Drug and Cosmetic Act, or (2) there has  
23 been an application filed with the board  
setting forth:

24           "(a) Full reports of investigations which  
25 have been made to show whether or not such  
26 drug, medicine, compound or device is safe  
for such use, and whether such drug,  
medicine, compound or device is effective in  
such use;

27    ///

1           "(b) A full list of the articles used as  
2 components of such drug, medicine, compound  
or device;

3           "(c) A full statement of the composition of  
4 such drug, medicine, compound or device;

5           "(d) A full description of the methods used  
6 in, and the facilities and controls used for,  
7 the manufacture, processing and packing of  
8 such drug, medicine or compound or in the  
9 case of a device, a full statement of its  
10 composition, properties and construction and  
11 the principle or principles of its operation;

12           "(e) Such samples of such drug, medicine,  
13 compound or device and of the articles used  
14 as components of the drug, medicine, compound  
15 or device as the board may require; and

16           "(f) Specimens of the labeling and  
17 advertising proposed to be used for such  
18 drug, medicine, compound or device."

19           14. California Health and Safety Code section 1714  
20 provides that:

21           "It is unlawful for any person, with intent  
22 to defraud, to falsely represent and provide  
23 for compensation a device, substance, method  
24 or treatment as effective to diagnose,  
25 arrest, prevent, or cure cancer. Nothing in  
26 this section shall abridge the existent  
27 rights of the press."

Drugs:

28           15. "Xylocaine," a brand of lidocaine hydrochloride,  
29 is unsafe for self-medication, and is a dangerous drug as defined  
30 by California Business and Professions Code section 4211.

31           16. "Valium," a brand of diazepam, is a Schedule IV  
32 controlled substance as designated by California Health and  
33 Safety Code section 11057(d)(7).

34           17. "Empirin with Codeine No. 3," a combination drug  
35 containing Acetaminophen and not more than 1.8 grams of Codeine

1 per 100 milliliters or not more than 90 milligrams per dosage  
2 unit, with one or more active, non-narcotic ingredients in  
3 recognized therapeutic amounts, is a Schedule III controlled  
4 substance as designated by California Health and Safety Code  
5 section 11056(e)(2).

6 Summary of Allegations:

7 18. Respondent, with intent to defraud members of the  
8 California public, fraudulently advertised and misrepresented to  
9 members of the California public that a series of injections  
10 which he had allegedly developed would, if administered, make  
11 patients feel 20 years younger, give patients their strength  
12 back, cure arthrosclorsis, cure blocked arteries (cardio  
13 vascular), cure Parkinson's Disease, cure diabetes, cure  
14 claudication, cure alcoholism, clear blood, strengthen the immune  
15 system, prolong life and cure cancer. The injections contained  
16 unknown quantities of the following ingredients: all B Vitamins,  
17 Vitamin C, Vitamin E, all essential amino acids, chromium, zinc  
18 and xylocaine. Xylocaine is a dangerous drug. Respondent  
19 administered injections to numerous patients and, through his  
20 misrepresentations and false advertising, defrauded those  
21 patients out of thousands of dollars and other valuable items of  
22 personal property. By doing so, respondent has committed  
23 multiple acts of unprofessional conduct including, but not  
24 limited to, gross negligence, incompetence, repeated negligent  
25 acts, acts of dishonesty and/or corruption, general  
26 unprofessional conduct, and violations of state statutes  
27 regulating dangerous drugs and has subjected his license to

1 disciplinary action, separately and severally, under numerous  
2 provisions of the Medical Practice Act.

3 Disciplinary Charges:

4 Patient Nelson C.:

5 19. Respondent has subjected his license to  
6 disciplinary action under California Business and Professions  
7 Code sections 2220, 2227, and 2234 on the grounds of  
8 unprofessional conduct, as defined by section 2234, subdivision  
9 (b), of the Code in that respondent is guilty of gross negligence  
10 as more particularly alleged hereinafter:

11 (a) On or about April 25, 1991, Nelson C., then 83  
12 years of age, consulted respondent, who is also a licensed  
13 attorney in California, about two legal matters and  
14 respondent's possible representation of Nelson C. therein.  
15 Present during this consultation were Nelson C., his wife  
16 Mrs. C., his personal secretary Ms. Sierra H., and  
17 respondent. During the consultation, which occurred at  
18 respondent's office, respondent excused himself in order to  
19 administer an injection to a priest who had come to  
20 respondent's office. Respondent and the priest went into a  
21 restroom and, upon exiting the restroom a few minutes later,  
22 respondent told Nelson C.

23 "The Father was in worse shape than you are  
24 now, Nelson, just 2 months ago. But he has  
25 been taking my injections and just look at  
him. Father even says Mass again."

26 Nelson C. immediately began asking respondent about the  
27 injections and their ingredients. Respondent told Nelson C. that

1 there was nothing medical in the injections, just herbs,  
2 minerals, ores and natural ingredients. Respondent told Nelson  
3 C. that he was in the process of opening up a major lab and  
4 clinic in one of the Southern Atlantic islands. Respondent  
5 further stated that his mother was dying and that he had given  
6 her injections and her doctors could not believe what had  
7 happened to her. Respondent also told Nelson C. that the  
8 injections had helped many people by making them feel 20 years  
9 younger and that the injections would give Nelson C. his strength  
10 back. When Nelson C. asked respondent how much the injections  
11 cost, respondent said that they were very expensive and that only  
12 the wealthy could afford them. Respondent stated that the  
13 injections were expensive because he could only mix up a small  
14 batch at a time. Respondent told Nelson C. that there was a  
15 series of 24 injections, one per day, and that the cost was  
16 \$36,000.

17 (b) On or about April 29, 1991, Nelson C. retained  
18 respondent to represent him in two legal matters and gave  
19 respondent a \$10,000 retainer. Respondent went to Nelson  
20 C.'s home and collected the \$10,000 retainer. On that same  
21 date, Nelson C. became respondent's patient and gave  
22 respondent a check for \$18,000 for the first series of  
23 injections. On that same date, without first conducting a  
24 good faith examination of, or taking a medical history from,  
25 patient Nelson C., respondent administered an injection in  
26 patient Nelson C.'s buttocks or hip. Respondent continued  
27 giving injections to patient Nelson C., on an approximately

1 daily basis, from on or about April 29, 1991, through and  
2 including on or about May 25, 1991.

3 (c) According to respondent, the injections given to  
4 patient Nelson C. contained unknown quantities of the  
5 following ingredients: "all B Vitamins, Vitamin C, Vitamin  
6 E, all essential amino acids, chromium, zinc and xylocaine."  
7 As respondent continued to administer daily injections to  
8 patient Nelson C., he became weaker and weaker.

9 (d) After his approximately 7th or 8th injection,  
10 respondent was confronted by patient Nelson C.'s personal  
11 secretary, Ms. Sierra H., who told respondent that the  
12 injections were not helping patient Nelson C. but making him  
13 worse. In response, respondent told patient Nelson C., Ms.  
14 C. and Ms. Sierra H., that sometimes the injections take  
15 longer to work on some people and that if patient Nelson C.  
16 would change his lifestyle, and believe in God more, that he  
17 would get better. By the time that patient Nelson C. had  
18 received approximately 14-15 injections, he had become  
19 weaker and was very shaky and unsteady.

20 (e) On or about May 17, 1992, patient Nelson C. gave  
21 respondent another check for \$18,000 for the second series  
22 of injections.

23 (f) On or about May 21, 1992, patient Nelson C.  
24 received his approximately 23rd injection from respondent in  
25 his bedroom. By this time, patient Nelson C. was very weak,  
26 could not walk by himself, and had started to leak urine  
27 constantly. Respondent stated that he had changed patient

1 Nelson C.'s injections and that patient Nelson C. should  
2 stop taking testosterone, which had been prescribed by  
3 another doctor, because respondent had given him something  
4 that would help more. That same afternoon, patient Nelson  
5 C. lost all feeling in his genital area and was very  
6 unstable. Thereafter, respondent was examined by another  
7 physician, underwent a number of tests, and was found to  
8 have suffered a number of small strokes while under  
9 respondent's care.

10 (g) On or about May 25, 1992, respondent went to  
11 patient Nelson C.'s home to give him his 24th injection. At  
12 that time, respondent was told to stop giving the injections  
13 to patient Nelson C. as they were not helping him and he was  
14 very ill. Respondent then replied

15 "Well, I'll get you some medicine that will  
16 help. It will be expensive because I'll have  
17 to get it from another country. If Mexico  
18 doesn't have it then I can get it in South  
19 America or Germany."

18 Patient Nelson C. has not heard from respondent since  
19 that date.

20 (h) During the entire period of time that respondent  
21 was treating patient Nelson C., respondent never conducted a  
22 prior good faith examination of, nor did he take a medical  
23 history from, nor did respondent create or maintain medical  
24 records for, patient Nelson C. Notwithstanding these  
25 failures, respondent "ruled out Parkinson's Disease" for  
26 patient Nelson C.

27 ///

1           (i) Respondent is guilty of gross negligence in the  
2       course of his treatment of patient Nelson C. in that he has,  
3       among other things:

4           (1) Failed to conduct a prior good faith physical  
5       examination of patient Nelson C.;

6           (2) Failed to take an appropriate medical history of  
7       patient Nelson C.;

8           (3) "Ruled out" Parkinson's Disease for patient Nelson  
9       C. notwithstanding his failure to conduct a physical examination  
10      of, or take an appropriate medical history from, patient Nelson  
11      C.;

12          (4) Failed to create and maintain medical records for  
13      patient Nelson C.;

14          (5) Administered numerous injections containing a  
15      dangerous drug, xylocaine, to patient Nelson C.; and

16          (6) Instructed patient Nelson C. to stop taking the  
17      testosterone that had been prescribed to him by another  
18      physician.

19           20. Respondent has further subjected his license to  
20      disciplinary action under California Business and Professions  
21      Code sections 2220, 2227 and 2234 on the grounds of  
22      unprofessional conduct, as defined by section 2234, subdivision  
23      (d) of the Code, in that respondent is guilty of incompetence as  
24      more particularly alleged hereinafter:

25           (a) Paragraphs 19(a), 19(b), 19(c), 19(d), 19(e),  
26      19(f), 19(g), and 19(h), above, are realleged and  
27      incorporated by reference herein as if fully set forth.



1 (b) Respondent is guilty of and has demonstrated  
2 incompetence in the course of his treatment of patient  
3 Nelson C. by, among other things, failing to explain to  
4 patient Nelson C. the ingredients of the injections, their  
5 side effects, complications and available alternative  
6 treatments.

7 21. Respondent has further subjected his license to  
8 disciplinary action under California Business and Professions  
9 Code sections 2220, 2227 and 2234 on the grounds of  
10 unprofessional conduct, as defined by section 2234, subdivision  
11 (e), of the Code in that respondent has committed acts involving  
12 dishonesty or corruption which are substantially related to the  
13 qualifications, functions, or duties of a physician and surgeon  
14 as more particularly alleged hereinafter: Paragraphs 19(a),  
15 19(b), 19(c), 19(d), 19(e), 19(f), 19(g) and 19(h), above, are  
16 realleged and incorporated by reference herein as if fully set  
17 forth.

18 22. Respondent has further subjected his license to  
19 disciplinary action under California Business and Professions  
20 Code sections 2220, 2227 and 2234 on the grounds of  
21 unprofessional conduct, as defined by section 2242 of the Code,  
22 in that respondent has prescribed, dispensed, or furnished  
23 dangerous drugs as defined in Section 4211 of the Code without a  
24 good faith prior examination and medical indication therefor, as  
25 more particularly alleged hereinafter: Paragraphs 19(a), 19(b),  
26 19(c), 19(d), 19(e), 19(f), 19(g) and 19(h), above, are realleged  
27 and incorporated by reference herein as if fully set forth.

1           23. Respondent has further subjected his license to  
2 disciplinary action under California Business and Professions  
3 Code sections 2220, 2227 and 2234 on the grounds of general  
4 unprofessional conduct as more particularly alleged hereinafter:  
5 Paragraphs 19(a), 19(b), 19(c), 19(d), 19(e), 19(f), 19(g) and  
6 19(h), above, are realleged and incorporated by reference herein  
7 as if fully set forth.

8           24. Respondent has further subjected his license to  
9 disciplinary action under California Business and Professions  
10 Code sections 2220, 2227 and 2234 on the grounds of  
11 unprofessional conduct, as defined by section 2234, subdivision  
12 (c), of the Code in that respondent is guilty of repeated  
13 negligent acts as more particularly alleged hereinafter:  
14 Paragraphs 19(a), 19(b), 19(c), 19(d), 19(e), 19(f), 19(g) and  
15 19(h), above, are realleged and incorporated by reference herein  
16 as if fully set forth.

17           Patient Jeremiah C.:

18           25. Respondent has further subjected his license to  
19 disciplinary action under California Business and Professions  
20 Code sections 2220, 2227 and 2234 on the grounds of  
21 unprofessional conduct, as defined by section 2234, subdivision  
22 (b), of the Code in that respondent is guilty of gross negligence  
23 as more particularly alleged hereinafter:

24           (a) On or about August of 1989, Jeremiah C. first met  
25 respondent at a social gathering. At that social gathering,  
26 respondent started talking about "the shots" that he had  
27 developed which, according to respondent, could cure

1 arthrosclorsis, blocked arteries (cardio vascular),  
2 Parkinson's Disease, and a number of other ailments  
3 including diabetes. Jeremiah C. told respondent that he  
4 suffered from very bad circulation in his legs and that  
5 another physician, having diagnosed claudication as a result  
6 of arthosclorosis, had told Jeremiah C. that nothing could  
7 be done for him. Respondent told Jeremiah C. that he had  
8 had great success in curing claudication as a result of  
9 arthosclorosis and that he had treated a number of people  
10 with the same complaints. Respondent, using his 83-year-  
11 old mother-in-law as an example, said that she had tried the  
12 shots as a last resort, that she was completely cured with  
13 only 18 shots, and that after the shots her arteries were as  
14 clean as an "18-year-old." When Jeremiah C. asked  
15 respondent what was in the shots, respondent stated that the  
16 formula could not be disclosed because it was a secret but  
17 that respondent was then in the process of closing a deal  
18 with some investors for the sale of the formula for  
19 \$10,000,000. When Jeremiah C. asked respondent if the shots  
20 were kelation, respondent said no, the shots were totally  
21 new and unique. Jeremiah C. told respondent that he wanted  
22 to check it out and that he would get back with respondent.

23 (b) Jeremiah C. did not call respondent back and, on  
24 or about October of 1989, respondent called Jeremiah C.  
25 During that telephone conversation, respondent stated that  
26 he was making up some of the formula for another person and,  
27 since it took time and he had to import some of the

1 ingredients from outside the United States, Jeremiah C. had  
2 to let respondent know if he wanted the shots. Jeremiah C.  
3 said that he did not want the shots because the price was  
4 \$36,000.

5 (c) Approximately three days later, respondent  
6 telephoned Jeremiah C. again and said that he really needed  
7 Jeremiah C.'s legal help and that respondent would give  
8 Jeremiah C. the shots for only \$2,500 if Jeremiah C. would  
9 help respondent with his law office. Jeremiah C. agreed.  
10 Respondent assured Jeremiah C. that the shots would "cure"  
11 the claudication in his legs and that all the arteries to  
12 his heart would be completely open including the graft and  
13 the artery that had been bypassed when Jeremiah C. had his  
14 heart surgery. Respondent also told Jeremiah C. that his  
15 diabetes would "completely go away."

16 (d) During the time period beginning on or about  
17 October of 1989 through and including on or about October of  
18 1990, respondent administered numerous injections to patient  
19 Jeremiah C., i.e., one injection on approximately every  
20 third day.

21 (e) In January or February of 1990, patient Jeremiah  
22 C. told respondent that he was an alcoholic and that he had  
23 been sober since September 6, 1970. Respondent then told  
24 patient Jeremiah C. that he had cured "dozens" of alcoholics  
25 and that since Jeremiah C. was receiving the shots, he was  
26 completely cured and could drink as a social drinker at  
27 anytime he wanted to and that it was completely safe.

1 (f) At no time did respondent ever conduct a prior  
2 good faith examination of patient Jeremiah C.

3 (g) To date, patient Jeremiah C.'s circulation in his  
4 legs has deteriorated and his dependence on insulin remains  
5 the same as prior to receiving the shots from respondent.

6 (h) Respondent is guilty of gross negligence in the  
7 course of his treatment of patient Jeremiah C. in that he  
8 has, among other things:

9 (1) Failed to conduct a prior good faith  
10 physical examination of patient Jeremiah C.;

11 (2) Failed to take an appropriate medical  
12 history of patient Jeremiah C.;

13 (3) Failed to create and maintain medical  
14 records for patient Jeremiah C.;

15 (4) Told patient Jeremiah C., a recovering  
16 alcoholic, that he could drink alcoholic  
17 beverages because he was being given  
18 injections by respondent;

19 (5) Told patient Jeremiah C. that he could  
20 "cure" alcoholism; and

21 (6) Administered numerous injections  
22 containing a dangerous drug, xylocaine, to  
23 patient Jeremiah C.

24 26. Respondent has further subjected his license to  
25 disciplinary action under California Business and Professions  
26 Code sections 2220, 2227 and 2234 on the grounds of  
27 unprofessional conduct, as defined by section 2234, subdivision

1 (d) of the Code, in that respondent is guilty of incompetence as  
2 more particularly alleged hereinafter:

3 (a) Paragraphs 25(a), 25(b), 25(c), 25(d), 25(e),  
4 25(f), 25(g), and 25(h), above, are realleged and  
5 incorporated by reference herein as if fully set forth.

6 (b) Respondent is guilty of and has demonstrated  
7 incompetence in the course of his treatment of patient  
8 Jeremiah C. by, among other things, failing to explain to  
9 patient Jeremiah C. the ingredients of the injections, their  
10 side effects, complications and available alternative  
11 treatments.

12 27. Respondent has further subjected his license to  
13 disciplinary action under California Business and Professions  
14 Code sections 2220, 2227 and 2234 on the grounds of  
15 unprofessional conduct, as defined by section 2234, subdivision  
16 (e), of the Code in that respondent has committed acts involving  
17 dishonesty or corruption which are substantially related to the  
18 qualifications, functions, or duties of a physician and surgeon  
19 as more particularly alleged hereinafter: Paragraphs 25(a),  
20 25(b), 25(c), 25(d), 25(e), 25(f), 25(g), and 25(h), above, are  
21 realleged and incorporated by reference herein as if fully set  
22 forth.

23 28. Respondent has further subjected his license to  
24 disciplinary action under California Business and Professions  
25 Code sections 2220, 2227 and 2234 on the grounds of  
26 unprofessional conduct, as defined by section 2242 of the Code,  
27 in that respondent has prescribed, dispensed, or furnished

1 dangerous drugs as defined in Section 4211 of the Code without a  
2 good faith prior examination and medical indication therefor, as  
3 more particularly alleged hereinafter: Paragraphs 25(a), 25(b),  
4 25(c), 25(d), 25(e), 25(f), 25(g), and 25(h), above, are  
5 realleged and incorporated by reference herein as if fully set  
6 forth.

7           29. Respondent has further subjected his license to  
8 disciplinary action under California Business and Professions  
9 Code sections 2220, 2227 and 2234 on the grounds of general  
10 unprofessional conduct as more particularly alleged hereinafter:  
11 Paragraphs 25(a), 25(b), 25(c), 25(d), 25(e), 25(f), 25(g), and  
12 25(h), above, are realleged and incorporated by reference herein  
13 as if fully set forth.

14           30. Respondent has further subjected his license to  
15 disciplinary action under California Business and Professions  
16 Code sections 2220, 2227 and 2234 on the grounds of  
17 unprofessional conduct, as defined by section 2234, subdivision  
18 (c), of the Code in that respondent is guilty of repeated  
19 negligent acts as more particularly alleged hereinafter:  
20 Paragraphs 25(a), 25(b), 25(c), 25(d), 25(e), 25(f), 25(g), and  
21 25(h), above, are realleged and incorporated by reference herein  
22 as if fully set forth.

23           Patient Marcia B.:

24           31. Respondent has further subjected his license to  
25 disciplinary action under California Business and Professions  
26 Code sections 2220, 2227 and 2234 on the grounds of  
27 unprofessional conduct, as defined by section 2234, subdivision

1 (b), of the Code in that respondent is guilty of gross negligence  
2 as more particularly alleged hereinafter:

3 (a) From approximately on or about June of 1989 to on  
4 or about September 11, 1991, Marcia B. worked for respondent  
5 as a legal secretary.

6 (b) On or about June of 1990, Marcia B., who was  
7 experiencing back pain, became respondent's patient.  
8 Respondent, noticing that patient Marcia B. was in pain,  
9 offered to call in a telephonic prescription for some  
10 codeine pills to the Thrifty Drugs located on McCollum in  
11 Palm Springs, California, for patient Marcia B. Without  
12 conducting a good faith examination of, or taking a medical  
13 history from, patient Marcia B., respondent prescribed  
14 Empirin with Codeine #3 for patient Marcia B. Patient  
15 Marcia B. picked up the Empirin with Codeine #3 from the  
16 pharmacy.

17 (c) In March of 1991, patient Marcia B.'s sister died.  
18 A friend of patient Marcia B.'s called respondent and told  
19 him that patient Marcia B. was depressed and asked whether  
20 respondent could prescribe something for patient Marcia B.  
21 On or about March 25, 1991, without conducting a good faith  
22 examination of, or taking a medical history from, patient  
23 Marcia B., respondent prescribed Valium for patient Marcia  
24 B. Patient Marcia B.'s friend picked up the Valium from the  
25 pharmacy for patient Marcia B.

26 (d) Respondent is guilty of gross negligence in the  
27 course of his treatment of patient Marcia B. in that he has,



1       among other things, prescribed dangerous drugs and  
2       controlled substances to her without conducting a prior good  
3       faith examination of, or taking a medical history from,  
4       patient Marcia B.

5               32. Respondent has further subjected his license to  
6       disciplinary action under California Business and Professions  
7       Code sections 2220, 2227 and 2234 on the grounds of  
8       unprofessional conduct, as defined by section 2234, subdivision  
9       (d) of the Code, in that respondent is guilty of incompetence as  
10      more particularly alleged hereinafter: Paragraphs 31(a), 31(b),  
11      31(c) and 31(d), above, are realleged and incorporated by  
12      reference herein as if fully set forth.

13              33. Respondent has further subjected his license to  
14      disciplinary action under California Business and Professions  
15      Code sections 2220, 2227 and 2234 on the grounds of  
16      unprofessional conduct, as defined by section 2242 of the Code,  
17      in that respondent has prescribed, dispensed, or furnished  
18      dangerous drugs as defined in Section 4211 of the Code without a  
19      good faith prior examination and medical indication therefor, as  
20      more particularly alleged hereinafter: Paragraphs 31(a), 31(b),  
21      31(c) and 31(d), above, are realleged and incorporated by  
22      reference herein as if fully set forth.

23              34. Respondent has further subjected his license to  
24      disciplinary action under California Business and Professions  
25      Code sections 2220, 2227 and 2234 on the grounds of  
26      unprofessional conduct, as defined by section 2234, subdivision  
27      (c), of the Code in that respondent is guilty of repeated

1 negligent acts as more particularly alleged hereinafter:  
2 Paragraphs 31(a), 31(b), 31(c) and 31(d), above, are realleged  
3 and incorporated by reference herein as if fully set forth.

4 Patient Colin W.:

5 35. Respondent has further subjected his license to  
6 disciplinary action under California Business and Professions  
7 Code sections 2220, 2227 and 2234 on the grounds of  
8 unprofessional conduct, as defined by section 2234, subdivision  
9 (b), of the Code in that respondent is guilty of gross negligence  
10 as more particularly alleged hereinafter:

11 (a) On or about November of 1990, Colin W. met  
12 respondent at a social function and respondent began talking  
13 to Colin W. about his "shots." Colin W. told respondent he  
14 had a history of melanomas (skin cancer) and that he had a  
15 hiatal hernia. Respondent told Colin W. that his shots  
16 would cure Colin W.'s skin cancer and hiatal hernia.  
17 Respondent further told Colin W. he could make Colin W.  
18 "fitter," clear his blood, strengthen his immune system,  
19 prolong his life and make it healthier. Respondent refused  
20 to tell Colin W. what was in the shots and Colin W. declined  
21 the shots.

22 (b) In the weeks following their initial meeting,  
23 Colin W. met respondent at several other social functions.  
24 Respondent continually tried to persuade Colin W. to take  
25 respondent's shots. Respondent stated that he loved Colin  
26 W.'s sculpture work and that he would accept pieces of Colin

27 ///

1 W.'s sculpture work in exchange for respondent's shots which  
2 normally cost \$36,000.

3 (c) Colin W. finally relented and exchanged one of his  
4 sculptures entitled "Leda and the Swan," which Colin W.  
5 valued at approximately \$20,000, for respondent's shots.  
6 Respondent had picked this specific sculpture in particular.

7 (d) On or about January 14, 1991, Colin W. became  
8 respondent's patient. On that date, without first  
9 conducting a good faith examination of, or taking a medical  
10 history from, patient Colin W., respondent administered an  
11 injection to patient Colin W. Patient Colin W. felt "high"  
12 after receiving his first injection. From on or about  
13 January 14, 1991, through on or about February 7, 1991,  
14 respondent administered numerous injections to patient Colin  
15 W. On or about February 7, 1991, after administering the  
16 last injection to patient Colin W., respondent went to  
17 patient Colin W.'s residence and picked up the sculpture.

18 (e) Respondent is guilty of gross negligence in the  
19 course of his treatment of patient Colin W. in that he has,  
20 among other things:

21 (1) Failed to conduct a prior good faith  
22 physical examination of patient Colin W.;

23 (2) Failed to take an appropriate medical  
24 history of patient Colin W.;

25 (3) Failed to create and maintain medical  
26 records for patient Colin W.;

27 (4) Told patient Colin W. that he could

1 clear his blood, strengthen his immune  
2 system, and prolong his life by administering  
3 his shots to patient Colin W.; and

4 (5) Told patient Colin W. that he could cure  
5 his skin cancer with his shots; and

6 (6) Told patient Colin W. that he could cure  
7 his hiatal hernia with his shots; and

8 (7) Administered numerous injections  
9 containing a dangerous drug, xylocaine, to  
10 patient Colin W.

11 36. Respondent has further subjected his license to  
12 disciplinary action under California Business and Professions  
13 Code sections 2220, 2227 and 2234 on the grounds of  
14 unprofessional conduct, as defined by section 2234, subdivision  
15 (d) of the Code, in that respondent is guilty of incompetence as  
16 more particularly alleged hereinafter:

17 (a) Paragraphs 35(a), 35(b), 35(c), 35(d) and 35(e),  
18 above, are realleged and incorporated by reference herein as  
19 if fully set forth.

20 (b) Respondent is guilty of and has demonstrated  
21 incompetence in the course of his treatment of patient Colin  
22 W. by, among other things, failing to explain to patient  
23 Colin W. the ingredients of the injections, their side  
24 effects, complications and available alternative treatments.

25 37. Respondent has further subjected his license to  
26 disciplinary action under California Business and Professions  
27 Code sections 2220, 2227 and 2234 on the grounds of

1 unprofessional conduct, as defined by section 2234, subdivision  
2 (e), of the Code in that respondent has committed acts involving  
3 dishonesty or corruption which are substantially related to the  
4 qualifications, functions, or duties of a physician and surgeon  
5 as more particularly alleged hereinafter: Paragraphs 35(a),  
6 35(b), 35(c), 35(d) and 35(e), above, are realleged and  
7 incorporated by reference herein as if fully set forth.

8           38. Respondent has further subjected his license to  
9 disciplinary action under California Business and Professions  
10 Code sections 2220, 2227 and 2234 on the grounds of  
11 unprofessional conduct, as defined by section 2242 of the Code,  
12 in that respondent has prescribed, dispensed, or furnished  
13 dangerous drugs as defined in Section 4211 of the Code without a  
14 good faith prior examination and medical indication therefor, as  
15 more particularly alleged hereinafter: Paragraphs 35(a), 35(b),  
16 35(c), 35(d) and 35(e), above, are realleged and incorporated by  
17 reference herein as if fully set forth.

18           39. Respondent has further subjected his license to  
19 disciplinary action under California Business and Professions  
20 Code sections 2220, 2227 and 2234 on the grounds of general  
21 unprofessional conduct as more particularly alleged hereinafter:  
22 Paragraphs 35(a), 35(b), 35(c), 35(d) and 35(e), above, are  
23 realleged and incorporated by reference herein as if fully set  
24 forth.

25           40. Respondent has further subjected his license to  
26 disciplinary action under California Business and Professions  
27 Code sections 2220, 2227 and 2234 on the grounds of

1 unprofessional conduct, as defined by section 2234, subdivision  
2 (c), of the Code in that respondent is guilty of repeated  
3 negligent acts as more particularly alleged hereinafter:  
4 Paragraphs 35(a), 35(b), 35(c), 35(d) and 35(e), above, are  
5 realleged and incorporated by reference herein as if fully set  
6 forth.

7 Patient Alan D.:

8 41. Respondent has further subjected his license to  
9 disciplinary action under California Business and Professions  
10 Code sections 2220, 2227 and 2234 on the grounds of  
11 unprofessional conduct, as defined by section 2234, subdivision  
12 (b), of the Code in that respondent is guilty of gross negligence  
13 as more particularly alleged hereinafter:

14 (a) In approximately the fall of 1987, Alan D. went to  
15 see respondent in order to discuss respondent's possible  
16 representation of Alan D. in an automobile accident case.  
17 Respondent stated that he would represent Alan D. and then  
18 began talking about his "shots."

19 (b) Alan D. told respondent that he had cancer to  
20 which respondent replied that his shots would cure Alan D.'s  
21 cancer and that the cancer would never come back. Alan D.'s  
22 daughter, Lazur, was present during this conversation.

23 (c) Thereafter, Alan D. became respondent's patient.  
24 At respondent's request, respondent accepted approximately  
25 \$20,000 in jewelry in exchange from patient Alan D. for the  
26 shots. In addition, because patient Alan D. got another  
27 person to buy respondent's shots, respondent gave Alan D. a

1 second series of injections. Respondent also offered  
2 patient Alan D. a 15% commission if patient Alan D. found  
3 other people to take his shots. However, respondent failed  
4 to pay patient Alan D. any of the promised commissions for  
5 the referrals patient Alan D. obtained.

6 (d) Respondent administered at least 2 1/2 series of  
7 injections to patient Alan D.; each series consisted of 24  
8 separate injections. When respondent injected patient Alan  
9 D., he felt a "sick" high feeling similar to the feeling he  
10 had experience when he had taken cocaine years previously.  
11 On one occasion, after receiving an injection from  
12 respondent, patient Alan D. was admitted to the Desert  
13 Hospital in Palm Springs, California, with his heart racing.

14 (e) During the entire period of time that respondent  
15 was treating patient Alan D., respondent never conducted a  
16 prior good faith examination of, nor did he take a medical  
17 history from, nor did he create or maintain medical records  
18 for, patient Alan D. In addition, respondent failed to  
19 consult with patient Alan D.'s regular physician.

20 (f) Respondent is guilty of gross negligence in the  
21 course of his treatment of patient Alan D. in that he has,  
22 among other things:

23 (1) Failed to conduct a prior good faith  
24 physical examination of patient Alan D.;

25 (2) Failed to take an appropriate medical  
26 history of patient Alan D.;

27 ///

1 (3) Failed to create and maintain medical  
2 records for patient Alan D.;

3 (4) Told patient Alan D. that he could cure  
4 his cancer with his shots and that patient  
5 Alan D.'s cancer would never come back; and

6 (5) Administered numerous injections  
7 containing a dangerous drug, xylocaine, to  
8 patient Alan D.

9 42. Respondent has further subjected his license to  
10 disciplinary action under California Business and Professions  
11 Code sections 2220, 2227 and 2234 on the grounds of  
12 unprofessional conduct, as defined by section 2234, subdivision  
13 (d) of the Code, in that respondent is guilty of incompetence as  
14 more particularly alleged hereinafter:

15 (a) Paragraphs 41(a), 41(b), 41(c), 41(d), 41(e) and  
16 41(f), above, are realleged and incorporated by reference  
17 herein as if fully set forth.

18 (b) Respondent is guilty of and has demonstrated  
19 incompetence in the course of his treatment of patient Alan  
20 D. by, among other things, failing to explain to patient  
21 Alan D. the ingredients of the injections, their side  
22 effects, complications and available alternative treatments.

23 43. Respondent has further subjected his license to  
24 disciplinary action under California Business and Professions  
25 Code sections 2220, 2227 and 2234 on the grounds of  
26 unprofessional conduct, as defined by section 2234, subdivision  
27 (e), of the Code in that respondent has committed acts involving



1 dishonesty or corruption which are substantially related to the  
2 qualifications, functions, or duties of a physician and surgeon  
3 as more particularly alleged hereinafter: Paragraphs 41(a),  
4 41(b), 41(c), 41(d), 41(e) and 41(f), above, are realleged and  
5 incorporated by reference herein as if fully set forth.

6           44. Respondent has further subjected his license to  
7 disciplinary action under California Business and Professions  
8 Code sections 2220, 2227 and 2234 on the grounds of  
9 unprofessional conduct, as defined by section 2242 of the Code,  
10 in that respondent has prescribed, dispensed, or furnished  
11 dangerous drugs as defined in Section 4211 of the Code without a  
12 good faith prior examination and medical indication therefor, as  
13 more particularly alleged hereinafter: Paragraphs 41(a), 41(b),  
14 41(c), 41(d), 41(e) and 41(f), above, are realleged and  
15 incorporated by reference herein as if fully set forth.

16           45. Respondent has further subjected his license to  
17 disciplinary action under California Business and Professions  
18 Code sections 2220, 2227 and 2234 on the grounds of general  
19 unprofessional conduct as more particularly alleged hereinafter:  
20 Paragraphs 41(a), 41(b), 41(c), 41(d), 41(e) and 41(f), above,  
21 are realleged and incorporated by reference herein as if fully  
22 set forth.

23           46. Respondent has further subjected his license to  
24 disciplinary action under California Business and Professions  
25 Code sections 2220, 2227 and 2234 on the grounds of  
26 unprofessional conduct, as defined by section 2234, subdivision  
27 (c), of the Code in that respondent is guilty of repeated

1 negligent acts as more particularly alleged hereinafter:  
2 Paragraphs 41(a), 41(b), 41(c), 41(d), 41(e) and 41(f), above,  
3 are realleged and incorporated by reference herein as if fully  
4 set forth.

5           47. Respondent has further subjected his license to  
6 disciplinary action under California Business and Professions  
7 Code sections 2220, 2227 and 2234 on the grounds of  
8 unprofessional conduct, as defined by section 2273 of the Code,  
9 in that respondent employed patient Alan D. as a capper and/or  
10 steerer in order to procure patients as more particularly alleged  
11 hereinafter: Paragraphs 41(a), 41(b), 41(c), 41(d), 41(e) and  
12 41(f), above, are realleged and incorporated by reference herein  
13 as if fully set forth.

14           Patient Wayne N:

15           48. Respondent has further subjected his license to  
16 disciplinary action under California Business and Professions  
17 Code sections 2220, 2227, and 2234 on the grounds of  
18 unprofessional conduct, as defined by section 2234, subdivision  
19 (b), of the Code in that respondent is guilty of gross negligence  
20 as more particularly alleged hereinafter:

21           (a) In 1991, Wayne N. was suffering from cancer. In  
22 approximately May, 1991, respondent called Wayne's wife,  
23 S.N., and told her he could cure Wayne's cancer with his  
24 "Kronis" shots for \$36,000. Wayne could not afford to pay  
25 for respondent's treatments. Instead, respondent agreed to  
26 provide the shots in exchange for a \$5,000 debt respondent  
27 owed Wayne and Wayne's business partner.

1 (b) Shortly thereafter, Wayne N. began receiving  
2 injections from respondent at home. Other than checking his  
3 blood pressure and listening to Wayne's chest a few times,  
4 respondent did not examine Wayne N. nor review any of his  
5 medical records.

6 (c) Wayne N. received daily injections until the end  
7 of June, 1991. The injections did not improve his health:  
8 Wayne N. died on July 9, 1991.

9 (d) Respondent is guilty of gross negligence in the  
10 course of his treatment of patient Wayne N. in that he has,  
11 among other things:

12 (1) Failed to conduct a good faith physical  
13 examination of patient Wayne N.;

14 (2) Failed to take an appropriate medical  
15 history of patient Wayne N.;

16 (3) Failed to create and maintain medical  
17 records for patient Wayne N.;

18 (4) Told patient Wayne N. and Wayne N.'s  
19 wife that he could cure cancer; and

20 (5) Administered numerous injections  
21 containing a dangerous drug, xylocaine, to  
22 patient Wayne N.

23 49. Respondent has further subjected his license to  
24 disciplinary action under California Business and Professions  
25 Code sections 2220, 2227 and 2234 on the grounds of  
26 unprofessional conduct, as defined by section, 2234, subdivision  
27 (d) of the Code, in that respondent is guilty of incompetence as

1 more particularly alleged hereinafter:

2 (a) Paragraphs 48 (a), 48 (b), 48 (c) and 48 (d),  
3 above, are realleged and incorporated by reference as if  
4 fully set forth.

5 (b) Respondent is guilty of and has demonstrated  
6 incompetence in the course of his treatment of patient Wayne  
7 N. by, among other things, failing to explain to patient  
8 Wayne N. the ingredients of the injections, their side  
9 effects, complications and available alternative treatments.

10 50. Respondent has further subjected his license to  
11 disciplinary action under California Business and Professions  
12 Code sections 2220, 2227 and 2234 on the grounds of  
13 unprofessional conduct, as defined by section 2234, subdivision  
14 (e), of the Code in that respondent has committed acts involving  
15 dishonesty or corruption which are substantially related to the  
16 qualifications, functions, or duties of a physician and surgeon  
17 as more particularly alleged hereinafter: Paragraphs 48 (a), 48  
18 (b), 48 (c) and 48 (d) above, are realleged and incorporated by  
19 reference herein as if fully set forth.

20 51. Respondent has further subjected his license to  
21 disciplinary action under California Business and Professions  
22 Code sections 2220, 2227 and 2234 on the grounds of  
23 unprofessional conduct, as defined by section 2242 of the Code,  
24 in that respondent has prescribed, dispensed, or furnished  
25 dangerous drugs as defined in Section 4211 of the Code without a  
26 good faith prior examination and medical indication therefor, as  
27 more particularly alleged hereinafter: Paragraphs 48 (a), 48

1 (b), 48 (c) and 48 (d) above, are realleged and incorporated by  
2 reference herein as if fully set forth.

3 52. Respondent has further subjected his license to  
4 disciplinary action under California Business and Professions  
5 Code sections 2220, 2227 and 2234 on the grounds of general  
6 unprofessional conduct as more particularly alleged hereinafter:  
7 Paragraphs 48 (a), 48 (b), 48 (c) and 48 (d), above, are  
8 realleged and incorporated by reference herein as if fully set  
9 forth.

10 53. Respondent has further subjected his license to  
11 disciplinary action under California Business and Professions  
12 Code sections 2220, 2227 and 2234 on the grounds of  
13 unprofessional conduct, as defined by section 2234, subdivision  
14 (c), of the Code in that respondent is guilty of repeated  
15 negligent acts as more particularly alleged hereinafter:  
16 Paragraphs 48 (a), 48 (b), 48 (c) and 48 (d), above, are  
17 realleged and incorporated by reference herein as if fully set  
18 forth.

19 Patient Edith D.:

20 54. Respondent has further subjected his license to  
21 disciplinary action under California Business and Professions  
22 Code sections 2220, 2227, and 2234 on the grounds of  
23 unprofessional conduct, as defined by section 2234, subdivision  
24 (b), of the Code in that respondent is guilty of gross negligence  
25 as more particularly alleged hereinafter:

26 (a) In 1990, Edith D. was suffering from constant pain  
27 from her knees down to her feet. Her son, Alan D.,

1 introduced her to respondent. Respondent told Edith D. that  
2 his shots would make her feel better. He also told her that  
3 "people would come in on crutches or wheel chairs and would  
4 walk out."

5 (b) Without conducting a medical examination or  
6 obtaining any of her medical records, respondent treated  
7 Edith D. with his shots from approximately April, 1990,  
8 through May, 1990. Edith D. believes she received the shots  
9 in exchange for some jewelry her son Alan D. had given  
10 respondent.

11 (c) The shots did not cure Edith D.'s condition, nor  
12 did they make her feel better.

13 (d) Respondent is guilty of gross negligence in the  
14 course of his treatment of patient Edith D. in that he has,  
15 among other things:

16 (1) Failed to conduct a good faith physical  
17 examination of patient Edith D.;

18 (2) Failed to take an appropriate medical  
19 history of patient Edith D.;

20 (3) Failed to create and maintain medical  
21 records for patient Edith D.; and

22 (4) Administered numerous injections  
23 containing a dangerous drug, xylocaine, to  
24 patient Edith D.

25 55. Respondent has further subjected his license to  
26 disciplinary action under California Business and Professions  
27 Code sections 2220, 2227 and 2234 on the grounds of

1 unprofessional conduct, as defined by section, 2234, subdivision  
2 (d) of the Code, in that respondent is guilty of incompetence as  
3 more particularly alleged hereinafter:

4 (a) Paragraphs 54 (a), 54 (b), 54 (c) and 54 (d),  
5 above, are realleged and incorporated by reference as if  
6 fully set forth.

7 (b) Respondent is guilty of and has demonstrated  
8 incompetence in the course of his treatment of patient Edith  
9 D. by, among other things, failing to explain to patient  
10 Edith D., the ingredients of the injections, their side  
11 effects, complications and available alternative treatments.

12 56. Respondent has further subjected his license to  
13 disciplinary action under California Business and Professions  
14 Code sections 2220, 2227 and 2234 on the grounds of  
15 unprofessional conduct, as defined by section 2234, subdivision  
16 (e), of the Code in that respondent has committed acts involving  
17 dishonesty or corruption which are substantially related to the  
18 qualifications, functions, or duties of a physician and surgeon  
19 as more particularly alleged hereinafter: Paragraphs 54 (a), 54  
20 (b), 54 (c) and 54 (d) above, are realleged and incorporated by  
21 reference herein as if fully set forth.

22 57. Respondent has further subjected his license to  
23 disciplinary action under California Business and  
24 Professions Code sections 2220, 2227 and 2234 on the grounds  
25 of unprofessional conduct, as defined by section 2242 of the  
26 Code, in that respondent has prescribed, dispensed, or  
27 furnished dangerous drugs as defined in Section 4211 of the

1 Code without a good faith prior examination and medical  
2 indication therefor, as more particularly alleged  
3 hereinafter: Paragraphs 54 (a), 54 (b), 54 (c) and 54 (d)  
4 above, are realleged and incorporated by reference herein as  
5 if fully set forth.

6 58. Respondent has further subjected his license to  
7 disciplinary action under California Business and Professions  
8 Code sections 2220, 2227 and 2234 on the grounds of general  
9 unprofessional conduct as more particularly alleged hereinafter:  
10 Paragraphs 54 (a), 54 (b), 54 (c) and 54 (d), above, are  
11 realleged and incorporated by reference herein as if fully set  
12 forth.

13 59. Respondent has further subjected his license to  
14 disciplinary action under California Business and Professions  
15 Code sections 2220, 2227 and 2234 on the grounds of  
16 unprofessional conduct, as defined by section 2234, subdivision  
17 (c), of the Code in that respondent is guilty of repeated  
18 negligent acts as more particularly alleged hereinafter:  
19 Paragraphs 54 (a), 54 (b), 54 (c) and 54 (d), above, are  
20 realleged and incorporated by reference herein as if fully set  
21 forth.

22 Violations of Health and Safety Code Section 1707.1:

23 60. Respondent has further subjected his license to  
24 disciplinary action under California Business and Professions  
25 Code sections 2220, 2227 and 2234 on the grounds of  
26 unprofessional conduct, as defined by section 2252 of the Code,  
27 in that respondent violated California Health and Safety Code



1 section 1707.1, as more particularly alleged hereinafter:

2 (a) Paragraphs 41(a), 41(b), 41(c), 41(d), 41(e),  
3 41(f), and Paragraphs 48 (a), 48 (b), 48 (c) and 48 (d),  
4 above, are realleged and incorporated by reference herein as  
5 if fully set forth; and

6 (b) Respondent sold, offered for sale, held for sale,  
7 delivered, gave away, prescribed and/or administered a drug,  
8 medicine, compound or device to be used in the diagnosis,  
9 treatment, alleviation or cure of cancer which has not been,  
10 and was not, approved under Section 505 of the Federal Food,  
11 Drug and Cosmetic Act and for which there has not been, and  
12 was not, an application filed with the board in compliance  
13 with California Health and Safety Code section 1707.1(2).

14 Violations of Health and Safety Code Section 1714:

15 61. Respondent has further subjected his license to  
16 disciplinary action under California Business and Professions  
17 Code sections 2220, 2227 and 2234 on the grounds of  
18 unprofessional conduct, as defined by section 2252 of the Code,  
19 in that respondent violated California Health and Safety Code  
20 section 1714, as more particularly alleged hereinafter:

21 (a) Paragraphs 41(a), 41(b), 41(c), 41(d), 41(e),  
22 41(f), and Paragraphs 48 (a), 48 (b) 48 (c) and 48(d),  
23 above, are realleged and incorporated by reference herein as  
24 if fully set forth; and

25 (b) Respondent, with intent to defraud, falsely  
26 represented to patient Alan D., and provided for  
27 compensation to patient Alan D., a device, substance, method

1 or treatment as effective to diagnose, arrest, prevent, or  
2 cure cancer in violation of California Health and Safety  
3 Code section 1714.

4 Violations of Business and Professions Code Section  
5 651:

6 62. Respondent has further subjected his license to  
7 disciplinary action under California Business and Professions  
8 Code sections 2220, 2227 and 2234 on the grounds of  
9 unprofessional conduct, as defined by section 651 of the Code, in  
10 that respondent disseminated or caused to be disseminated a form  
11 of public communication containing false, fraudulent, misleading,  
12 or deceptive statement, statements, claim, or claims, for the  
13 purpose of or likely to induce, directly or indirectly, the  
14 rendering of professional services in connection with the  
15 practice of medicine as more particularly alleged hereinafter:

16 (a) Paragraphs 19(a), 19(b), 19(c), 19(d), 19(e),  
17 19(f), and 19(g), above, are realleged and incorporated by  
18 reference herein as if fully set forth;

19 (b) Paragraphs 25(a), 25(b), 25(c), 25(d), 25(e),  
20 25(f), 25(g), and 25(h), above, are realleged and  
21 incorporated by reference herein as if fully set forth;

22 (c) Paragraphs 35(a), 35(b), 35(c), 35(d) and 35(e),  
23 above, are realleged and incorporated by reference herein as  
24 if fully set forth; and

25 (d) Paragraphs 41(a), 41(b), 41(c), 41(d), 41(e) and  
26 41(f), above, are realleged and incorporated by reference  
27 herein as if fully set forth; and

1 (e) Paragraphs 48(a), 48(b), 48(c) and 48 (d), above,  
2 are realleged and incorporated by reference herein as if  
3 fully set forth; and

4 (f) Paragraphs 54(a), 54(b), 54(c) and 54(d), above,  
5 are realleged and incorporated by reference herein as if  
6 fully set forth.

7 Violations of Business and Professions Code Section  
8 2238:

9 63. Respondent has further subjected his license to  
10 disciplinary action under California Business and Professions  
11 Code sections 2220, 2227 and 2234 on the grounds of  
12 unprofessional conduct, as defined by section 2238 of the Code,  
13 in that respondent violated statutes of the State of California  
14 regulating dangerous drugs as more particularly alleged  
15 hereinafter:

16 (a) Paragraphs 19(a), 19(b), 19(c), 19(d), 19(e),  
17 19(f), and 19(g), above, are realleged and incorporated by  
18 reference herein as if fully set forth;

19 (b) Paragraphs 25(a), 25(b), 25(c), 25(d), 25(e),  
20 25(f), 25(g), and 25(h), above, are realleged and  
21 incorporated by reference herein as if fully set forth;

22 (c) Paragraphs 35(a), 35(b), 35(c), 35(d) and 35(e),  
23 above, are realleged and incorporated by reference herein as  
24 if fully set forth;

25 (d) Paragraphs 41(a), 41(b), 41(c), 41(d), 41(e) and  
26 41(f), above, are realleged and incorporated by reference  
27 herein as if fully set forth;

1 (e) Paragraphs 48(a), 48(b), 48(c) and 48 (d), above,  
2 are realleged and incorporated by reference herein as if  
3 fully set forth; and

4 (f) Paragraphs 54(a), 54(b), 54(c) and 54(d), above,  
5 are realleged and incorporated by reference herein as if  
6 fully set forth.

7 (g) Respondent's "shots," which he administered to  
8 patients Nelson C., Jeremiah C., Colin W., Alan D., Wayne  
9 N., and Edith D. contained unknown quantities of the  
10 following ingredients: "all B Vitamins, Vitamin C, Vitamin  
11 E, all essential amino acids, chromium, zinc and xylocaine."

12 (h) "Xylocaine," a brand of lidocaine hydrochloride,  
13 is unsafe for self-medication, and is a dangerous drug as  
14 defined by California Business and Professions Code section  
15 4211.

16 (i) By reason of the foregoing, respondent has  
17 subjected his license to disciplinary action under section  
18 2238 of the Code in that he has committed numerous  
19 violations of section 2242 of the Code, a state statute  
20 regulating dangerous drugs.

21 Violations of Business and Professions Code Section  
22 17500:

23 64. Respondent has further subjected his license to  
24 disciplinary action under California Business and Professions  
25 Code sections 2220, 2227 and 2234 on the grounds of  
26 unprofessional conduct, as defined by section 2271 of the Code,  
27 in that respondent has advertised in violation of California

1 Business and Professions Code section 17500, relating to false or  
2 misleading advertising, as more particularly alleged hereinafter:

3 (a) Paragraphs 19(a), 19(b), 19(c), 19(d), 19(e),  
4 19(f), and 19(g), above, are realleged and incorporated by  
5 reference herein as if fully set forth;

6 (b) Paragraphs 25(a), 25(b), 25(c), 25(d), 25(e),  
7 25(f), 25(g), and 25(h), above, are realleged and  
8 incorporated by reference herein as if fully set forth;

9 (c) Paragraphs 35(a), 35(b), 35(c), 35(d) and 35(e),  
10 above, are realleged and incorporated by reference herein as  
11 if fully set forth; and

12 (d) Paragraphs 41(a), 41(b), 41(c), 41(d), 41(e) and  
13 41(f), above, are realleged and incorporated by reference  
14 herein as if fully set forth; and

15 (e) Paragraphs 48(a), 48(b), 48(c) and 48 (d), above,  
16 are realleged and incorporated by reference herein as if  
17 fully set forth; and

18 (f) Paragraphs 54(a), 54(b), 54(c) and 54(d), above,  
19 are realleged and incorporated by reference herein as if  
20 fully set forth.

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Prayer:

WHEREFORE, complainant requests that a hearing be held on the matters alleged herein, and that following said hearing, the Board issue its decision:

1. Revoking or suspending Physician's and Surgeon's Certificate No. C20382, heretofore issued to respondent John Zane, M.D.; and
2. Taking such other and further action as the Board deems necessary and proper.

DATED: March 5, 1993

Leslie Fleming, for  
DIXON ARNETT  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
  
Complainant